

WATER QUALITY NEWS

FOR COUNTY AGRICULTURAL COMMISSIONERS

FEBRUARY 2004

WHAT'S NEW

DPR welcomes back Steven Monk who will be working with Kathy Brunetti on surface and groundwater issues as well as helping to coordinate with other agencies on environmental and emergency response issues. Kathy will remain the primary contact on water issues for Commissioners.

Steven spent 16 years with DPR working on various environmental and policy programs, including overseeing DPR's Office of Planning and Continuous Improvement. In 2001, Steven was loaned to Cal/EPA where he served as Special Assistant for Pollution Prevention Programs. He worked on a number of policy issues, including pollution prevention, brownfields, legislation, and emergency response and anti-terrorist activities.

STATE AND REGIONAL WATER BOARD PROGRAMS

GENERAL INFORMATION

What is the role of the State and Regional Water Boards?

The State Water Resources Control Board allocates water rights, adjudicates water rights disputes, develops statewide water protection plans, establishes water quality standards, and guides the nine Regional Water Quality Control Boards (RWQCBs) located in the major watersheds of the state. This includes implementation of the Federal Clean Water Act and administration of numerous grants programs. RWQCBs develop "basin plans" for their hydrologic areas, issue waste discharge requirements, take enforcement action against violators, and monitor water quality. Although the SWRCB provides guidance to the RWQCBs, the Regional Boards are semi-autonomous and may adopt and implement differing programs to best fit the needs of a particular basin. Any person who is

aggrieved by an action, or a failure to act by a RWQCB may be able to file a petition for review with the SWRCB.

The SWRCB has five members; the RWQCBs each have nine. SWRCB and RWQCB members are appointed by the Governor to four-year terms and confirmed by the Senate.

The boundaries of the RWQCBs are determined by location of large watersheds not by county boundaries. There is a map attached to this file that can help you find the correct RWQCB. Note that the Address for the Central Valley Regional Board's Sacramento office is incorrect. See below.

Central Valley Regional Water Quality Control Board Sacramento Office has moved

Sacramento Main Office
11020 Sun Center Drive #200
Rancho Cordova, CA 95670-6114
Phone: (916) 464-3291
Fax: (916) 464-4645
A map to the new location is here:
http://www.swrcb.ca.gov/rwqcb5/contact_us/sacto_location.html

Waivers of Waste Discharge

Irrigated Agriculture Waiver. At it's January 22 meeting, the SWRCB upheld the Central Valley RWQCB's conditional waiver of waste discharge requirements, for discharges from irrigated lands. The SWRCB made some minor changes to the waiver. These included not requiring Coalition Groups to identify their members, but rather to compile a list of farmers who have knowingly elected to participate, contact information, and information on location within six months.

The California Rice Commission (CRC) has requested development of a commodity specific waiver addressing discharges from rice lands. Board staff has been meeting with the CRC to discuss development of a rice specific waiver. Waiver components will be functionally equivalent to the existing Irrigated Lands Conditional Waiver, while incorporating the long history of cooperation to address rice discharges developed through the twenty years of the Rice Pesticide Program. Regional Board staff has begun development of a report with the aid of the CRC addressing rice field discharges and will

develop proposed waiver documents in the coming months. Regional Board staff anticipates bringing a proposed rice specific waiver before the Board at its March meeting.

Timber Harvest Waivers. The Central Valley, Lahontan, and North Coast RWQCBs adopted Waivers of Waste Discharge for Timber Harvest. The SWRCB received petitions concerning all three waivers from timber and public interest groups. The SWRCB consolidated review of all three waivers. At its January 22 meeting, the SWRCB upheld the Central Valley and Lahontan waivers with minor revisions. This included deleting language from the Lahontan waiver that included “herbicide application” as a part of timber harvest. However, the SWRCB did not agree with industry contentions that the RWQCBs exceeded authority in requesting pesticide use information. DPR does not dispute the right of the boards to request that information, however, we believe that some of our existing tools such as the PUR can be used to make such information collection less burdensome on both the RWQCBs and the regulated industries. We will be working with both the Lahontan and Central Valley boards on this issue.

Staff recommended that the North Coast waiver be remanded back to the RWQCB for noncompliance with CEQA. However, the North Coast board had readopted the waiver in October, after the petitions were filed. In order to consider both the original and readopted waivers and to give interested parties time to comment on the readoption, the SWRCB postponed action on this waiver until the board’s February meeting. DPR staff has been discussing this waiver with North Coast board staff and will be appropriately involved in any redrafting of the waiver.

LEGAL ISSUES (statutes, regulations and litigation)

Pesticides, endangered species, and buffer zones

A court case in the state of Washington has been causing some confusion in California. The case was WASHINGTON TOXICS COALITION, et al., Plaintiffs, v. EPA and CHRISTINE TODD WHITMAN, ADMINISTRATOR, Defendant. On July 3, 2002, the U.S. District Court for the Western District of Washington at Seattle found that the U.S. EPA had violated its obligations under the Endangered Species Act. The ruling was in response to a lawsuit brought by the Washington Toxics Coalition and other environmental and fishing groups.

The court ordered EPA to initiate a review of the effects of 54 pesticide active ingredients on salmon and to consult, as appropriate, with National Marine Fisheries Service (NMFS) on any of the 54 pesticides that may affect salmon.

Pending EPA's effects determinations or the conclusion of the EPA consultations with NMFS, the Washington Toxics Coalition requested the court to order buffer zones - 20 yards for ground applications and 100 yards for aerial applications – for applications of any of the 54 pesticides near streams and other water bodies accessible to salmon.

On January 22, 2004 the judge issued a final order on the buffers. The order requires the U.S. EPA to impose buffer zones (aerial and ground) for application of specified pesticides in specific areas adjacent to water bodies. Additionally, U.S. EPA is to develop point-of-sale information for consumer product use limitations. U.S. EPA has not indicated its course of action regarding this order. Once U.S. EPA determines how it will respond, the agency is expected to advise the Department of Pesticide Regulation (DPR) and other parties. DPR expects to work cooperatively with U.S. EPA and other state and local agencies on this issue. As U.S. EPA officials inform DPR of their actions, DPR will make that information available.

The Washington State Department of Agriculture has a web site that fully discusses the lawsuit. <http://agr.wa.gov/PestFert/EnvResources/Lawsuit.htm>

Calendar of Events

IACC AG. SUBCOMMITTEE (AG. WAIVER SUBCOMMITTEE)

Monday, February, 9th, 2004

Central Valley Regional Water Quality Control Board (note new location)

11020 Sun Center Drive, #200

Rancho Cordova, Ca. 95670-6114

(916) 464-3291

For further information, contact Bob Elliott, belliott@cdpr.ca.gov

PROTECTING CALIFORNIA'S WATER - 31ST ANNUAL CONFERENCE & EXHIBITION

February 23-25

Sponsored by CASQA (California Stormwater Quality Association)

Water Quality Regulatory Overview, Storm Water Program Sessions, EPA & CASQA Training, Industrial Pretreatment Operator Training and Environmental Compliance and Pollution

Prevention Training.
Hilton Burbank Airport and Convention Center
2500 Hollywood Way, Burbank
Contact Info: Gary Welling 310-458-8235
Web Site: <http://www.cwea.org>

FOR WATER ISSUES, the contact/coordinator for DPR is Kathy Brunetti at (916) 324-4100

STATE WATER RESOURCES CONTROL BOARD

P.O. Box 100, Sacramento, CA 95812-0100 • www.swrcb.ca.gov

Office of Legislative and Public Affairs:
Office of Legislative: (916) 341-5251
Office of Public Affairs: (916) 341-5254

Clean Water Programs Information: (916) 341-5700
Water Quality Information: (916) 341-5455
Water Rights Information: (916) 341-5300

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARDS

NORTH COAST REGION (1)
5550 Skyline Blvd., Ste. A
Santa Rosa, CA 95403
(707) 576-2220

SAN FRANCISCO BAY REGION (2)
1515 Clay Street, Ste. 1400
Oakland, CA 94612
(510) 622-2300

CENTRAL COAST REGION (3)
81 Higuera Street, Ste. 200
San Luis Obispo, CA 93401-5427
(805) 549-3147

LOS ANGELES REGION (4)
320 W. 4th Street, Ste. 200
Los Angeles, CA 90013
(213) 576-6600

CENTRAL VALLEY REGION (5)
3443 Routier Road, Suite A
Sacramento, CA 95827-3098
(916) 255-3000

FRESNO BRANCH OFFICE
3614 East Ashlan Avenue
Fresno, CA 93726
(559) 445-5116

REDDING BRANCH OFFICE
415 Knollcrest Drive, Suite 100
Redding, CA 96002
(530) 224-4845

LAHONTAN REGION (6)
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150
(530) 542-5400

VICTORVILLE BRANCH OFFICE
15428 Civic Drive, Ste. 100
Victorville, CA 92392-2383
(760) 241-6583

COLORADO RIVER BASIN REGION (7)
73-720 Fred Waring Dr., Ste. 100
Palm Desert, CA 92260
(760) 346-7491

SANTA ANA REGION (8)
California Tower
3737 Main Street, Ste. 500
Riverside, CA 92501-3339
(909) 782-4130

SAN DIEGO REGION (9)
9771 Clairemont Mesa Blvd., Ste. A
San Diego, CA 92124
(619) 467-2952



STATE OF CALIFORNIA
Gray Davis, Governor

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY**
Winston H. Hickox, Secretary

**STATE WATER RESOURCES
CONTROL BOARD**
Arthur G. Baggett, Jr., Chair

12/01